

In the Drawing:

Please accept the accompanying replacement drawing sheets with changes on figures 1 and 7. Approval of the changes in the drawing is respectfully requested.

In the Title:

Please make the following change in the title:

HAIR DRYER WITH DETACHABLE ROTATABLE AIR NOZZLE ATTACHMENT
FOR PRODUCING SIDE-BY-SIDE HOT AND COLD AIR STREAMS

REMARKS

I. New Claims, Title and Abstract

The original set of device claims 1 to 12 have been canceled and new device claims 13 to 22 and hair dryer claim 23 have been added.

The new claims emphasize the novel features of the applicant's hair dryer device.

New independent claim 13 includes the features and limitations of canceled claims 1, 3 and 7. It claims a hair dryer with a device for simultaneously generating hot and cold air streams, which has an air nozzle attachment with side-by-side flat nozzles for the air streams. The air nozzle attachment is detachable from the remainder of the hair dryer (basis for the detachability is provided on page 3, lines 19 to 22, of applicants' U.S. specification) and is connectable with the remainder of the hair dryer over a blower opening by a releasable connection means, preferably a snap-on coupling device, but the connection means must be such that the air nozzle attachment is rotatable for ease of use during operation (basis for the rotatability is provided on page 3, lines 11 to 17, of applicants' U.S. specification).

New dependent claim 22 and independent claim 23 both claim a hair dryer device, which includes the air nozzle attachment 8 for the hot and cold air streams, but also includes another air nozzle attachment 23 that only produces a single hot air

stream. Both air nozzle attachments 8, 23 are releasably attachable over the blower opening. The user selects one of the air nozzle attachments 8, 23 or other according to choice. The basis for the dependent claim 22 and claim 23 is found in the last paragraph on page 7 of the specification and also in figure 7 and the canceled claim 12. However the last paragraph on page 7 of the specification was rewritten because the English translation was inaccurate. These changes are described in more detail hereinbelow.

New dependent claims 14 to 21 include the features of canceled claims 2, 4 to 6 and 8 to 11.

A new title that is more descriptive of the invention claimed in new claim 13 is provided hereinabove.

A new abstract including subject matter from claims 13 and 22 is provided hereinabove.

II. Changes in the Specification and Drawing

Standard section headings recommended by U.S. Patent Office Rules have been added to the specification.

The reference to claim 1 and the dependent claims on page 1 of the specification has been replaced by several paragraphs summarizing the subject matter of the main independent claim 13 and the new dependent claims.

Parts of the detailed description, especially the last paragraph on page 7 of the specification, have been amended to provide a clearer description of the

inventive subject matter. For example, the term "damping" was an incorrect English translation of the German word "Benutzung", which means "use" or "utilization". The term "damping" is not used in either this paragraph or in the new claims. Also some additional parts shown in Fig. 7 were given new drawing reference numbers, which were added to fig. 7, and described in the paragraph that replaces the last paragraph on page 7. These reference numbers are the number "35" for the hot-air stream inside the air nozzle attachment 23. The reference number 9 refers to the steam of hot air outside the nozzle attachment in a manner similar to figure 1 for the air nozzle attachment 8. The reference number "33" is added for the wall (means for blocking) that blocks the flow of cold air through the hair dryer when the additional air nozzle attachment 23 is connected over the blower opening 7. It is respectfully submitted that there is sufficient basis for these changes in the original paragraph on page 7 and in figure 7 as well as canceled claim 12.

III. Anticipation Rejections

Claims 1 to 2, 5 and 12 were rejected as anticipated under 35 U.S.C. 102 (b) by Teranishi, FR 1,387,334 (called FR '334 hereinbelow), by Zenz, G 90 01 199.6 (called G '199.6 hereinbelow) or by Guenin, EP 0 970 633 A1 (called EP '633 hereinbelow). Cancellation of these claims has obviated the respective rejections as anticipated by FR '334, G '199.6 and EP '633.

Furthermore, as noted above, both new claims 13 and 23 include the features of claims 1, 3 and 7. Claims 3 and 7 were not rejected as anticipated by FR '334, G

'199.6 or EP '633.

This French reference does disclose a hair dryer that simultaneously generates a central hot-air stream and a concentric cold-air stream as shown in figure 1 and see fifth paragraph, left side, page 1.

However FR '334 does not disclose that the tubes 4,5 for hot and cold air are detachable so that they can be removed and replaced, e.g. by a snap-on coupling device. FR '334 does not disclose a detachable air nozzle attachment, like applicants' attachment 8 of new claims 13 and 23 (basis for the detachability of attachment 8 is provided by page 3, lines 19 to 22, of applicants' specification). Furthermore FR '334 clearly does not teach that the tubes 4, 5 for hot and cold air are rotatable, and thus does not anticipate that feature in new claims 13 and 23. Also the nozzles through which the air streams flow are not flat.

G '199.6, like FR '334, does not disclose a detachable air nozzle attachment, as claimed in applicants' claims 13 and 22. The figure clearly shows that the tubes through which the cold and hot air streams flow are in one piece with the remainder of the hair dryer of this German Patent Document. For the same reason the tubes are not rotatable. Also the nozzles through which the air streams flow are not flat.

EP '633 does disclose a hair dryer 1 with a fan 5 and a heater 12. It does produce a hot-air stream 9 and a cold-air stream 11. It does have a detachable air nozzle attachment 23 with "orifices" (equivalent to applicants' flat nozzles) 22, 26, as shown in figs. 1 and 2 of the EP reference. See paragraph 0049 of EP '633.

However the hair dryer of EP '633 has significant structural differences from the device claimed in applicants' claims 13 to 23. First, with respect to claim 13, claim

13 claims a device including means for generating a central hot-air stream 5 and a concentric cold-air stream 6 as shown in applicants' figs. 1 and 3. The term "concentric" means that the flows have a common center (see Webster & Merriam online Internet dictionary, for example). A study of fig. 2 of EP '633 however shows that the corresponding hot-air flow 9 and cold-air flow 11 of the device of the EP reference do not have a common center. That means that the cold-air flow is not concentric and the device disclosed in EP '633 does not have means for producing a concentric cold-air flow.

As seen from fig. 2 of the reference the central hot-air flow 9 of EP '633 that flows within the main conduit 8 in the hair dryer is inclined to the axial direction XX' so that the hot-air stream 18 leaving the nozzle issues from one side of the end of the air nozzle attachment in the case of the EP reference, not the center. In the case of the applicants' claimed device as claimed in claims 13 and 26 the hot-air stream 5 is axially symmetric, i.e. the partition 22 shown in fig. 1 is fixed (the central conduit 8 of the EP reference must rotate) and axially symmetric so that the center of its circular cross-section is always on the axis of the hair dryer. Thus the means for producing the hot-air stream according to claims 13 and 23 produces a hot-air stream that is not inclined to the axis of the hair dryer.

More to the point, because of that cold-air stream of the EP reference is not concentric with the hot-air flow. This leads to differences in operation and handling of the hair dryer device claimed in applicants' claims 13 and 23.

In addition, EP '633 does not disclose or suggest the feature of claim 3, namely that one side of the hot-air nozzle is against or bearing on one side of the

cold-air nozzle. As shown by figs. 3a and 3b of EP '633 the opposite is true of their preferred embodiment, namely the close sides of the respective nozzles or orifices are spaced from or separate from each other.

With respect to the features of the dependent claims, EP '633 does not disclose an air nozzle attachment with a coaxial conduit entrance for the cold-air steam as claimed in applicants' new claim 14. EP '633 does not disclose the identifying features of claims 16 and 17. EP '633 does not disclose that the flat hot-air nozzle has a smaller blower cross-section than that of the flat cold-air nozzle as claimed in claim 20. EP '633 does not disclose that the flat hot-air nozzle and the flat-cold-air nozzle are coterminous.

With respect to canceled claim 12 and new claim 23 the electrical controlling features of the EP '633 are not sufficient to duplicate the performance of the hair dryer with the two different air nozzle attachments 8 and 23 as claimed in new claim 23. EP '633 in paragraph 0039 discloses a hair dryer with a switch for controlling the heating coil current for the central hot air conduit and a switch for controlling the motor speed or power. Thus the hair dryer of EP '633 can produce a hot-air stream with varying temperatures. If the heating coil is turned off, then the hair dryer of the EP reference only produces cold air. However there is no way to produce only a hot-air flow with the hair dryer of EP '633, because there is no way to shut off the cold-air stream that surrounds the central hot-air stream. In other words, there is only a single motor, which determines the speed of flow of cold and hot air (when the speed of air flow is decreased both cold and hot air flows decrease proportionally).

EP '633 does not disclose means for blocking the cold-air flow so that the hair

dryer only produces a hot-air stream as claimed in new claim 23. Also EP '633 does not disclose or suggest a second detachable air nozzle attachment for that purpose.

It is well established that each and every limitation of a claimed invention must be disclosed in a single prior art reference in order to be able to reject the claimed invention under 35 U.S.C. 102 (b) based on the disclosures in the single prior art reference. See M.P.E.P. 2131 and also the opinion in *In re Bond*, 15 U.S.P.Q. 2nd 1566 (Fed. Cir. 1990).

G '199.6 and FR '334 do not disclose any detachable air nozzle attachments and do not disclose rotatability for the barrel or tubes provided with the orifices or nozzles for the hot and cold air streams. EP '633 does not disclose means for producing a concentric cold-air stream and discloses a structure in which there is a greater separation between the hot-air stream and cold-air stream issuing from the nozzles or orifices. The structure disclosed in the EP '633 requires rotation of a central concentric tube 8 that is not required of applicants' partition 22 and that would lead to service life and maintenance issues.

For the foregoing reasons and because of the new wording used in claims 13 to 23, it is respectfully submitted that **none** of the new claims should be rejected under 35 U.S.C. 102 (b) as anticipated by Teranishi, FR 1,387,334, by Zenz, G 90 01 199.6 or by Guinen, EP 0 970 633 A1.

IV. Obviousness Rejections

Claims 3, 4, 6 to 7 and 9 to 11 were rejected under 35 U.S.C. 103 (a) as obvious over Teranishi, FR 1,387,334 (called FR '334 hereinbelow), by Zenz, G 90 01 199.6 (called G '199.6 hereinbelow) or by Guenin, EP 0 970 633 A1 (called EP '633 hereinbelow). Of course the 103 rejection of these claims is obviated by their cancellation.

As noted above, new independent claims 13 and 23 both include the features of canceled claims 1, 3 and 7.

According to paragraph 7 of the Office Action the subject matter of these claims relates to shape, cross-section, length and color and that these features do not solve any problem in a novel or unexpected manner. It is respectfully submitted that this analysis is inaccurate and misleading for the following reasons.

First, the features especially in canceled claims 3 and 7 are not mentioned in paragraph 7 of the Office Action. The rotatability of the air nozzle attachment 8 solves an important problem encountered in the use of hair dryers that produce dual flows of hot and cold air, as explained on page 3, lines 10 to 17 of applicants' originally filed specification. Because the handle of the hair dryers of the invention and the references is rigidly attached to the barrel, it is difficult to gain the benefits of the dual streams from the hair dryer when a user treats the hair on the sides of their head. The rotatability of the air nozzle attachment solves that problem. Hair dryers of the prior art that do not have the ability to rotate the nozzles or orifices of a hair dryer that

produces a hot-air stream and a cold-air stream simultaneously are unwieldy and difficult for a use to manipulate when treating their own hair.

Thus the feature of claim 7, which has been incorporated in the independent claims 13 and 23, does solve a stated problem in a novel manner and improves the operation of the hair dryer by making it easier to use.

The features that the hot air nozzle and cold air nozzle have flat sides bearing on each other from claim 3 makes the air nozzle attachment easier to make and thus less expensive. The same is true of the coterminous feature in the dependent claims. This is the opposite of an obvious difference from EP '633; it is a subtle difference that contributes to the simplicity of the applicants' claimed device.

The feature that the colors of the hot-air nozzle and the cold-air nozzle are different provides another unobvious benefit for the applicants. Normally of course the color of an article does not contribute to its patentability, but when the color contributes an unobvious benefit that results in easier safer use then color should be given weight. The different colors of claim 17 should be given patentable weight in the case of the present invention, because they help the user avoid burns when the hair dryer is used. Since the nozzle attachment 8 is detachable and replaceable with the second nozzle attachment 23, it will be handled in operation. The different colors will direct the user to grip the proper places on the attachment 8 to remove it. r

It is especially important to remember that the statute (103) requires that the source of the suggestion cannot be the applicants' specification. For example, the Federal Circuit Court of Appeals has said:

"As in all determinations under 35 U.S.C. 103, the decision-maker must bring judgment to bear. It is impermissible, however, simply to engage in a hindsight

reconstruction of the claimed invention, using the applicant's structure as a template and selected elements from references to fill the gaps". *In re Gorman*, 18 U.S.P.Q.2d 1885 (Fed. Cir. 1991).

There is no hint or suggestion to select various features from the devices for hair dryers disclosed in the three references to arrive at the invention claimed in new claim 13.

With respect to claim 23 none of the references individually or together disclose or suggest a hair dryer with two air nozzle attachments, one that produces simultaneous side-by-side hot-air and cold-air streams and another that produces only a hot air stream.

For the foregoing reasons and because of the new wording used in claims 13 to 23, it is respectfully submitted that none of the new claims should be rejected under 35 U.S.C. 103 (a) as obvious over Teranishi, FR 1,387,334; Zenz, G 90 01 199.6 and/or Guenin, EP 0 970 633 A1.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael J. Striker". The signature is written in a cursive, flowing style with a large initial "M".

Michael J. Striker,

Attorney for the Applicants

Reg. No. 27,233